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IP
DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)

JAN 22 2002

PATENT & TRADEMARK

Declaration
Submitted OR
with Initial
Filing

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)

| | | |
|--------------------------------------------------|--|--------------------|
| Attorney Docket Number | | 991154CIP |
| First Named Inventor | | Kolb et al. |
| COMPLETE IF KNOWN | | |
| Application Number | | 09/963,800 |
| Filing Date | | September 26, 2001 |
| Group Art Unit | | 1745 |
| Examiner Name | | Wills, M |
| COPY OF PAPERS ORIGINALLY FILED | | |

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Electrochemical Cell Having A Controlled Electrode Surface

the specification of which

(Title of the Invention)

 is attached hereto

OR

 was filed on (MM/DD/YYYY) 09/26/2001 as United States Application Number or PCT International.

Application Number

09/963,800

and was amended on (MM/DD/YYYY)

(If applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? |
|-------------------------------------|---------|----------------------------------|--------------------------|----------------------------------------------------------|
| | | | <input type="checkbox"/> | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> |

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

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DECLARATION — Utility or Design Patent Application

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22876

PATENT TRADEMARK OFFICE

Name Jody L. Factor

Address 1327 W. Washington Blvd., Suite 5G/H

City Chicago

State IL

ZIP 60607

Country USA

Telephone (312) 226-1818

Fax (312) 226-1919

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any]) Eric S.Family Name
or Surname KolbInventor's
Signature*Eric S. Kolb*

Date Nov. 8, 2001

Residence: City Action

State MA

Country USA

Citizenship US

Mailing Address 6 Tenney Cir.

City Action

State MA

ZIP 01720

Country USA

NAME OF SECOND INVENTOR:

 A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any]) Denis G.Family Name
or Surname FauteuxInventor's
Signature

Date

Residence: City Acton

State Massachusetts

Country US

Citizenship CA

Mailing Address 359 Arlington Street

City Acton

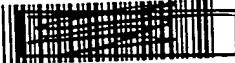
State Massachusetts

ZIP 01720

Country US

 Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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22876

PATENT TRADEMARK OFFICE

Name Jody L. Factor

Address 1327 W. Washington Blvd., Suite 5G/H

City Chicago

State IL

ZIP 60607

Country USA

Telephone (312) 226-1818

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NAME OF SOLE OR FIRST INVENTOR:



A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any]) Eric S.Family Name
or Surname KolbInventor's
Signature

Date

Residence: City Action

State MA

Country USA

Citizenship US

Mailing Address 6 Tenney Cir.

City Action

State MA

ZIP 01720

Country USA

NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any]) Denis G.Family Name
or Surname FauteuxInventor's
Signature

Date Mar 11, 2001

Residence: City Acton

State Massachusetts

Country US

Citizenship CA

Mailing Address 359 Arlington Street

City Acton

State Massachusetts

ZIP 01720

Country US

Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

Please type a plus sign (+) inside this box →

PTO/SB/02A (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 1 of 1

| | | | |
|--------------------------------------------|---------------------|-------------------------------------------------------------------------------|------------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) | | Family Name or Surname | |
| Keiichi | | Seki | |
| Inventor's Signature | <i>Keiichi Seki</i> | | Date 11/13, 2001 |
| Residence: City | Yokohama-shi | State | Kanagawa-ken |
| | | Country | Japan |
| Citizenship JAP | | | |
| Mailing Address 1000, Kamoshida-cho | | | |
| Mailing Address Aoba-ku | | | |
| City Yokohama-shi | State Kanagawa-ken | ZIP 227-8502 | Country Japan |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | | Date |
| Residence: City | State | Country | Citizenship |
| Mailing Address | | | |
| Mailing Address | | | |
| City | State | ZIP | Country |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | |
| Given Name (first and middle [if any]) | | Family Name or Surname | |
| | | | |
| Inventor's Signature | | | Date |
| Residence: City | State | Country | Citizenship |
| Mailing Address | | | |
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